



## Four Steps to Being Heard

Below are the actions which we would ask that you take **by 5 PM EST Wednesday, December 13th**. We hope that you will take all of the actions, but understand fully how busy you may be. Therefore, we have listed the actions in order of importance and effect.

### **Step 1**

**Call each of the FCC commission offices using the attached script as-is or modified as needed.**

### **Step 2**

**File your official record of the call(s). This is called "Notice of *ex parte* meeting" and goes into the official record. Web address is listed in instructions below.**

### **Step 3**

**With one click, you can email your *ex parte* letter and comments to the FCC and Congress using our auto-mailer linked to the Alliance home page [www.alliancecm.org](http://www.alliancecm.org).**

### **Step 4**

**Fax a copy of the same *ex-parte* letter to your three Congress members.**  
*[Note: The multiple exposures to our message are intentional.]*

The attached support materials have all of the text and instructions you need. However, if there is anything unclear to you, please feel free to email or call any of the following Public Policy members:

Alan Bushong	<a href="mailto:alan@cctvsalem.org">alan@cctvsalem.org</a>	
503.588.2288		
Anthony Riddle	<a href="mailto:raiseeveryvoice@yahoo.com">raiseeveryvoice@yahoo.com</a>	
202.393.2650		
Carl Kucharski	<a href="mailto:carl@pcmtv.org">carl@pcmtv.org</a>	503.528.2244
Cor Wilson	<a href="mailto:cwilson@ctv15.org">cwilson@ctv15.org</a>	651.482.1261
Rob Brading	<a href="mailto:rbrading@mctv.org">rbrading@mctv.org</a>	
Rob McCausland	<a href="mailto:rghm@verizon.net">rghm@verizon.net</a>	
Sean McLaughlin	<a href="mailto:seanm707@yahoo.com">seanm707@yahoo.com</a>	
Sue Buske	<a href="mailto:sue@buskegroup.com">sue@buskegroup.com</a>	916.441.6277
Tony Vigue	<a href="mailto:ctam@usa.net">ctam@usa.net</a>	
207.767.7615		



**Step 1: Call the FCC**

**[Estimated Time: 2 minutes per call]**

*We want large numbers of short calls. You are not asked to be experts, merely to weigh in on the matter of video franchising and PEG. This will likely take less than two minutes. When you call, you will likely be referred to voicemail. Whether you get voicemail or are graced with a real conversation, the script is the basically the same. This is a formal process, so it is okay to read from a script. Feel free to make it fit your needs. It's your call. They have to listen.*

Hello, my name is [Name]. I am [Title/Relationship] for [Organization or Community] located in [City and State].

I am calling about MB 05-311 on video franchising. The following are our concerns:

We unite with Alliance for Community Media members in calling for competition without destruction of local, community controlled media.

- 1) The proposed rule eliminates incentive for providers to negotiate in good faith. If the city and the provider do not come to agreement in 90 days, the new provider can proceed without agreement. They can then make billions of dollars in our public land without considering local needs.
- 2) The proposed rule lacks a remedy for geographic discrimination. Public, Education and Government Access, or PEG, are tools to engage our local communities in democracy. Democratic participation should be for all, not based on a company business rule.
- 3) The proposed rule reduces the support for PEG, institutional networks and other in-kind services from that allowed by current Federal law. It is in direct contradiction to language written by the telephone companies and already passed in key states. This reduction would eliminate a valued community resource with no demonstrated effect on either price or competition.
- 4) The changes being proposed are dramatic and over-step the FCC's authority. We believe that such changes to the law should be made by Congress, not the FCC. These changes will slow competition by confusing the legal framework. Changes to the law should be decided by law-makers, not the FCC.

I can be reached at [Phone or Email]. Thank you for your consideration.

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Commissioner	Media Aide	Phone Number
MacDowell	Christina Pauze (paw-ZAY)	202-418-0144
Tate	Chris Robbins	202-418-2500
Chairman Martin	Heather Dixon	202-418-1000
Adelstein	Rudy Brioche (bree-o-SHAY)	202-418-2300
Copps	Bruce Gottlieb	202-418-2000



**Step 2: Filing an Official Call Record (Ex Parte)**

**[Estimated Time: 5 Minutes]**

- 1) Cut and paste the letter below into a blank Word, WordPerfect or PDF document. It may be completely blank or may be electronic stationery. Save.
- 2) Fill in and edit as appropriate.
- 3) Go to the filing page: [http://gulfoss2.fcc.gov/prod/ecfs/upload\\_v2.cgi](http://gulfoss2.fcc.gov/prod/ecfs/upload_v2.cgi)
- 4) Fill out the cover sheet information, including:
  - a. #1: fill in "05-311"
  - b. #11: do check box
  - c. #12: pull menu down to "notice"
- 5) In the green section, type "ex parte notice" for file description.
- 6) In the green section, use "Browse" button to attach your letter file.
- 7) In the green section, use pull down menu to identify letter format.
- 8) Hit Send. *[Note: Correspondence is appropriately addressed to "Secretary Dortch.]*
- 9) Done!

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12/12/06

**Ex Parte**

Ms. Marilyn Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311

Dear Ms. Dortch,

This notice is to record my ex parte meetings with Chairman Martin and Commissioners Tate and McDowell. I stated my concerns via voicemail on 12/12/06. My comments are summarized as follows:

I unite with millions of other Americans in calling for competition without destruction of local, community controlled media.

- 1) The proposed rule eliminates incentive for providers to negotiate in good faith. If the city and the provider do not come to agreement within 90 days, the provider can proceed without an agreement. They can then make billions



of dollars using our public land without considering local needs. This framework would be unreasonable.

2) The proposed rule lacks a remedy for geographic discrimination. Public, Education and Government Access, or PEG, are tools to engage our local communities in

democracy. Democratic participation should be for all, not based on a company business rule. The public-right-of-way is owned by all in our community, not just those in an area lucky enough to be served. I believe that inevitable market imbalances must be anticipated by the FCC, as they were by Congress, and that any rule-making must provide these three elements:

- A) A standard for identifying imbalances in service.
- B) A party responsible for identifying the imbalance—logically, the municipality.
- C) A means for prevention or remedy of the imbalance.

3) The proposed rule reduces the support for PEG or other community media services from what is allowed by current Federal law. I believe this is an arbitrary reduction which will hurt our communities. It is in direct contradiction to language authored by telephone companies and already passed in key states such as California and Texas. This reduction would eliminate a valued community resource with no demonstrated effect on either subscriber price or level of competition.

4) The changes being proposed to the law are dramatic. I believe that such changes to the law should be made by Congress, not the FCC. These changes will slow competition by confusing the legal framework. Such changes should be decided by law-makers, not the courts. The FCC should not usurp Congressional authority.

I look forward to working with the FCC to establish a process which supports both competition and community fairness. Please contact me if you have questions or comments.

Sincerely,

Durl Kruse  
Member of Champaign Urbana Cable and Telecommunications Commission  
2007 S. George Huff Dr.  
Urbana, IL 61801  
(217) 328-2789

Alliance for Community Media

[jandurl@insightbb.com](mailto:jandurl@insightbb.com)





**Step 3: Email copies to your Congressional delegation.**  
**[Estimated time: 2 Minutes]**

With one click, you should email your ex-parte letter or other comments to the FCC and Congress using our auto mailer at:

[http://www.democracyinaction.org/dia/organizationsORG/ACM/campaign.jsp?campaign\\_KEY=6173](http://www.democracyinaction.org/dia/organizationsORG/ACM/campaign.jsp?campaign_KEY=6173).

This direct link is also posted on the Alliance home page.

All you have to do is cut and paste your letter from Step 2 above into our easy auto-mailer. It will go automatically to your Senators and Representative.

**Step 4: Fax a copy of the same letter to your Congress delegation.**  
**[Estimated time: 5 Minutes]**

Fax a copy of the same ex-parte letter to your three Congress members. A physical document in the office is more powerful than email alone.

The current fax numbers will follow on separate email and will be posted on Alliance website, thereafter. We will issue a similar document for the new, 110<sup>th</sup> Congress when available.

*[Note: The multiple exposures to our message are intentional.]*